

## **REMARKS**

### **Interview**

Applicants thank the Examiner for the courteous and helpful interview.

In the interview, the section 103 prior art rejections were discussed and the declarations previously submitted substantially as follows.

### **The Amendments**

Rejected independent claims 5, 9, 22, and 30, and thus, their dependents, now recite that the catalyst contains rhenium in an amount of 10 to 20 wt% based on the total catalyst mass. Some dependent claims and a new independent claim 39 recite that the catalyst contains molybdenum in an amount of 0.1-5 wt% based on the total catalyst mass. These ranges have support in the specification by broader disclosures of ranges, as well as by the examples. One of ordinary skill in the art would recognize from the disclosure that appellants invented the claimed catalysts with rhenium and/or molybdenum in the recited ranges. An applicant disclosing a range is in possession of the invention for values falling within that range, i.e., is in possession of narrower ranges within the broader disclosed range. See, for example, *In re Blaser et al.*, 556 F2d 534, 194 USPQ 122 (CCPA 1977) and *In re Wertheim et al.*, 541 F2d 257, 191 USPQ 90 (CCPA 1976), for example.

### **The Rejections Under 35 USC § 103**

All the rejected claims now recite that the catalyst contains rhenium in an amount of 10 to 20 wt% based on the total catalyst mass. EP '973 teaches that the catalyst therein contain 0.1 to 5 % by weight of component (C), which can be either Re or Ir. See page 1, lines 47 and 57-58. In Example 1, 154 g of catalyst was impregnated with 1 g of  $\text{Re}_2\text{O}_7$ , whereby less than 1 wt% of Re was present in the product, and in Example 2, 160 g of catalyst was impregnated with 0.463 g of  $\text{NH}_4\text{Re}_2\text{O}_4$ , whereby once again less than 1 wt% of Re was present in the product. EP '973 further teaches that for component (C) "if the content is over 5% by weight, the addition effect is scarcely increased and the addition of such a large amount is economically disadvantageous." See page 2, lines 1-3. Thus, EP '973 does not teach or suggest the claimed ranges for rhenium of the present claims. US 927, does not teach or suggest rhenium as a component of the claimed catalysts.

New claim 39 does not limit the amount of rhenium in the catalyst, but recites that the catalyst contains molybdenum in an amount of 0.1-5 wt% based on the total catalyst mass. EP '973 teaches that the catalyst therein contain 10 to 20, preferably 12-18 % by weight of component (A), which can be either Mo or W. See page 1, lines 43-44 and page 3, lines 26-27. Examples 1 and 2 have 15.7 and 13.1 % Mo by weight. Thus, EP '973 does not teach or suggest the claimed ranges for molybdenum of claim 39. US 927 states that the catalyst, which is not taught to contain rhenium, may contain Mo in an amount of up to 35 wt% and in an amount of up to 20 wt%, depending what activity the catalyst is designed to target. See column 2, line 59 to column 3, line 42. The only embodiment exemplified which has Mo in the catalyst has 24.2 wt% of Mo. See table 3 in column 8. Neither reference teaches or suggests a catalyst having Mo in an amount as claimed and also containing rhenium.

Applicants maintain that the data on unexpected results is commensurate in scope with the claims.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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